

REMARKS

The Examiner's continued attention to the present application is noted with appreciation.

The Examiner rejected claims 1-7 under 35 U.S.C. § 101. The rejection is traversed.

The Examiner appears to be reading different Interim Guidelines than Applicant. The Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, 1300 O.G. 142 (signed October 26, 2005), may also be found at:

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf.

A word search of the Interim Rules reveals no references to "rules to play a game". Furthermore, game rules per se are not being claimed here but rather a game mechanic, similar to those in U.S. Patent Nos. 6,474,650 (Looney Labs, for Chrononauts mechanic), 5,662,332 (Wizards of the Coast for Magic: The Gathering tapping mechanic), and 6,279,909 (Cranium, for Cranium card activity instructions mechanic, see claim 27). A game mechanic resulting in a collection of writings having particular requirements regarding their generation is what is being claimed.

The Interim Rules specifically reject the "human step" test (see in particular Annex III). Annex III states that: "Therefore the following tests are not to be applied by examiners in determining whether the claimed invention is patent eligible subject matter: (A) 'not in the technological arts' test; (B) Freeman-Walter-Abele test; (C) mental step or human step tests; (D) the machine implemented test; (E) the per se data transformation test." (Punctuation supplied.) Furthermore, the invention as claimed is not claiming a human but rather steps employed by humans. Accordingly, this is also not a proper basis for rejection.

Concrete and useful results are being created in the form of the writings created by the claimed process. Merely because they are created for enjoyment does not remove them from being useful. Otherwise, no patents for game-related materials or processes should be issuing.

An earnest attempt has been made to respond to each and every ground of rejection advanced by the Examiner. However, should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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